

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

BARBARA	RUTH CRAM,)
	Plaintiff,) Case No. 2:17-cv-02444-JAD-CWH
VS.		REPORT & RECOMMENDATION
US,		
	Defendant.	

Presently before the court is pro se plaintiff Barbara Ruth Cram's application to proceed *in forma pauperis* (ECF No. 9), filed on October 6, 2017. Plaintiff has submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to prepay fees and costs or give security for them. Accordingly, Plaintiff's request to proceed *in forma pauperis* will be granted.

Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims and dismiss claims that are frivolous, malicious, file to state a claim on which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). A complaint is frivolous if it contains "claims whose factual contentions are clearly baseless," such as "claims describing fantastic or delusional scenarios." *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989).

Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only

dismiss them "if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014) (quoting *Iqbal*, 556 U.S. at 678).

Here, Ms. Cram filed a complaint, which does not contain any factual allegations, and two supplements to the complaint. (Compl. (ECF No. 1-1); Supp. to Compl. (ECF No. 12); Supp. to Compl. (ECF No. 14).). In the first supplement, Ms. Cram requests a "turnkey house on the Hopi home" with a maid and a gardener. (ECF No. 12 at 1.) In the second supplement, Ms. Cram alleges that while sleepwalking, she saw a property where more than 1,000 babies were murdered or gravely injured at the hands of 3,000 people, "3 to a baby." (ECF No. 14 at 1.) She further alleges that she and a girlfriend were followed to be killed, that someone tried to rape her girlfriend many times, and that she was raped 1,500 times. (*Id.* at 2.) Ms. Cram makes various other allegations regarding being disemboweled, needing money and a home, events dating back to the early twentieth century, and "engulfment," though it is unclear to the court what Ms. Cram is referencing when she uses this term. (*Id.* at 2-17.)

Even liberally construing Ms. Cram's complaint and supplements, the court finds that her factual allegations describe fantastic and delusional scenarios and do not state a claim upon which relief can be granted. Given that Ms. Cram's complaint does not set forth a plausible claim, it is recommended that the complaint be dismissed with prejudice because amendment would be futile. *See Lopez v. Smith*, 203 F.3d 1122, 1126 (9th Cir. 2000) (stating that a district court is not required to provide leave to amend a complaint if the complaint could not possibly be cured by the allegation of other facts).

IT IS THEREFORE ORDERED that Plaintiff Barbara Ruth Cram's application to proceed *in forma pauperis* (ECF No. 9) is GRANTED.

IT IS RECOMMENDED that Plaintiff Barbara Ruth Cram's Complaint (ECF No. 1-1) and its supplements (ECF Nos. 12, 14) be DISMISSED WITH PREJUDICE as delusional and frivolous.

IT IS FURTHER RECOMMENDED that all pending motions (ECF Nos. 2-4) in the case be DENIED as moot.

NOTICE

This report and recommendation is submitted to the United States district judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

DATED: November 16, 2017

C.W. Hoffman, Jr.

United States Magistrate Judge